

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, JANUARY 31, 2008**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Snodgrass, Trail, Wood(35). Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Kelsei Moyle, Page.

Approval of Journal

January 31, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

January 30, 2008

Mr. Speaker:

I transmit herewith S 1270, S 1271, S 1272, and S 1305 which have passed the Senate.

WOOD, Secretary

S 1270, S 1271, S 1272, and S 1305 were filed for first reading.

Report of Standing Committees

January 31, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed HCR 35, H 431, H 432, H 433, H 434, H 435, H 436, H 437, H 438, and H 439.

CLARK, Chairman

HCR 35, H 434, H 435, H 436, and H 437 were referred to the Business Committee.

H 431, H 438, and H 439 referred to the Revenue and Taxation Committee.

H 432 and H 433 were referred to the Resources and Conservation Committee.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration H 422 and recommend that it do pass.

RAYBOULD, Chairman

H 422 was filed for second reading.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration H 364 and SJM 108 and recommend that they do pass.

WOOD, Chairman

H 364 and SJM 108 were filed for second reading.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration H 348 and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

H 348 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 36 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING THE UNIVERSITY OF IDAHO AND ALL THOSE INDIVIDUALS WHO HAVE WORKED TO MAKE THE LIONEL HAMPTON JAZZ FESTIVAL A SUCCESS ON THEIR FINE EFFORTS THAT HAVE BEEN RECOGNIZED BY THE 2007 NATIONAL MEDAL OF ARTS AWARD AND ENCOURAGING THEIR CONTINUED EFFORTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, for over forty years, the Lionel Hampton Jazz Festival has brightened and enlightened the University of Idaho campus and Idaho; and

WHEREAS, on November 15, 2007, President George Bush bestowed the nation's most prestigious arts award, the National Medal of Arts, on the University of Idaho in recognition of the Lionel Hampton Jazz Festival; and

WHEREAS, Governor C. L. "Butch" Otter responded to the presentation of the National Medal of Arts award to the University

of Idaho by stating, "The priceless legacy of music and learning embodied in the Lionel Hampton International Jazz Festival is a treasure not just for the University of Idaho, but for our entire state and indeed all lovers of the arts, everywhere. Recognition and acclaim that come with the National Medal of the Arts is well earned, greatly deserved and a reason for all Idahoans to celebrate"; and

WHEREAS, in addition to the annual presence of Lionel Hampton, in the past the Lionel Hampton Jazz Festival has featured such internationally acclaimed performers as Doc Severinsen, The Four Freshmen, Bobby McFerrin and Sarah Vaughn; and

WHEREAS, the Lionel Hampton Jazz Festival is much more than a showcase for the most accomplished musicians. The Lionel Hampton Jazz Festival celebrates four days of music with events that not only include the evening concerts, but also the Young Artists Concerts, the Jazz in the Schools program and Artist Workshops for students and other jazz lovers; and

WHEREAS, although Lionel Hampton left us on August 31, 2002, the Lionel Hampton Jazz Festival has continued under the directorship of Dr. Lynn Skinner, and now, with Dr. Skinner's recent retirement, under Artistic Director John Clayton, a six-time Grammy-nominated bassist, composer, arranger and conductor, and Executive Director Cami McClure;

WHEREAS, the 2008 Lionel Hampton Jazz Festival, to be held February 20 through 23 on the University of Idaho campus, will present a star-studded evening concert schedule, including such renowned artists as violinist Aaron Weinstein; the All-Star Rhythm Section, featuring Jeff Hamilton on drums, Russell Malone on guitar, Robert Hurst on bass and Bill Charlap on piano, performing with Atsuko Hashimoto on Hammond B3 organ, Tia Fuller on saxophone and Grace Kelly on saxophone; "Lionel, Red and Bunny," featuring Ed Polcer, Wycliffe Gordon and Houston Person; the legendary Dr. John; violinist Regina Carter; vocalist Roberta Gambarini; Roy Hargrove's RH Factor; Hank Jones with Gerald Clayton and Taylor Eigsti; Bobby Hutcherson with Warren Wolf on vibes; Dee Daniels with vocalist Sara Gazarek; Curtis Fuller with Ryan Porter; and Jon Hendricks with vocalist Sachal Vasandani; and

WHEREAS, the 2008 Lionel Hampton Jazz Festival will celebrate the 100th birthday of the late Lionel Hampton.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature congratulates the University of Idaho and all those individuals who have worked to make the Lionel Hampton Jazz Festival a success on their fine efforts that have been recognized by the 2007 National Medal of Arts award and encourages their continued efforts.

HCR 36 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 440

BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO TRUCK CAMPERS; AMENDING SECTION 49-105, IDAHO CODE, TO REVISE THE

DEFINITION OF "DEALER"; AMENDING SECTION 49-121, IDAHO CODE, TO REVISE THE DEFINITION OF "TRUCK CAMPER"; AMENDING SECTION 49-501, IDAHO CODE, TO REQUIRE CERTAIN TRUCK CAMPERS TO BE TITLED AND TO PROVIDE FOR OPTIONAL TITLING OF TRUCK CAMPERS ACQUIRED BEFORE JANUARY 1, 2009; AMENDING SECTION 49-1606, IDAHO CODE, TO REVISE DEALER LICENSING PROVISIONS; AMENDING SECTION 49-1608, IDAHO CODE, TO REVISE DEALER LICENSE BOND PROVISIONS; AMENDING SECTION 63-3622HH, IDAHO CODE, TO REVISE THE DEFINITION OF "TRUCK CAMPER" AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 441

BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO THE IDAHO FOOD QUALITY ASSURANCE INSTITUTE; AMENDING SECTION 67-8302, IDAHO CODE, TO REVISE MEMBERSHIP PROVISIONS RELATING TO THE COMMISSIONERS OF THE IDAHO FOOD QUALITY ASSURANCE INSTITUTE AND TO DELETE OBSOLETE VERBIAGE.

HOUSE BILL NO. 442

BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 39-5302, IDAHO CODE, TO REVISE A DEFINITION.

HOUSE BILL NO. 443

BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE IDAHO HOSPITAL ASSESSMENT ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE AND TO SET FORTH LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH THE HOSPITAL ASSESSMENT FUND, TO PROVIDE FOR ASSESSMENTS, TO PROVIDE FOR A REVIEW OF THE ANNUAL ASSESSMENT AMOUNT, TO PROVIDE FOR INPATIENT AND OUTPATIENT ADJUSTMENT PAYMENTS, TO PROVIDE FOR TIMING OF PAYMENTS AND ASSESSMENTS, TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR MULTIHOSPITAL LOCATIONS, HOSPITAL CLOSURES AND NEW HOSPITALS AND TO PROVIDE APPLICABILITY; AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 444

BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-130, IDAHO CODE, TO REQUIRE CRIMINAL HISTORY CHECKS FOR CERTAIN EMPLOYEES OF PERSONS WHO PROVIDE CONTRACTED SERVICES TO A SCHOOL DISTRICT, TO PROVIDE FOR PAYMENT AND TO PROVIDE THAT CERTAIN EMPLOYEES SHALL NOT COME INTO DIRECT CONTACT WITH STUDENTS IF SUCH EMPLOYEES HAVE PLEADED TO OR BEEN FOUND GUILTY OF CERTAIN CRIMES.

HOUSE BILL NO. 445
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CAPITOL BUILDING PROJECTS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711F, IDAHO CODE, TO PROVIDE THAT CHAPTER 10, TITLE 44, IDAHO CODE, SHALL NOT APPLY TO CAPITOL BUILDING PROJECTS; DECLARING AN EMERGENCY, PROVIDING FOR RETROACTIVE APPLICATION, PROVIDING A SUNSET DATE AND BARRING PROSECUTION OR PUNISHMENT.

HOUSE BILL NO. 446
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2104, IDAHO CODE, TO PROVIDE AN EXCEPTION RELATING TO THE OPERATION OF VETERINARY MEDICAL PRACTICES OF DECEASED LICENSED VETERINARIANS BY PERSONAL REPRESENTATIVES, EXECUTORS OR SOLE SURVIVING HEIRS; AND AMENDING SECTION 54-2105, IDAHO CODE, TO CLARIFY APPLICATION OF THE OPEN MEETING LAW TO MEETINGS OF THE IDAHO BOARD OF VETERINARY MEDICINE.

HOUSE BILL NO. 447
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4803, IDAHO CODE, TO REVISE AN EFFECTIVE DATE; AMENDING SECTION 31-4804, IDAHO CODE, TO PROVIDE FOR AN ADDITIONAL FEE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 31-4818, IDAHO CODE, TO PROVIDE FOR DEDICATION AND AUTHORIZATION FOR DISBURSEMENT OF CERTAIN MONEYS TO CERTAIN ENTITIES FOR CERTAIN PURPOSES, TO PROVIDE FOR INVESTMENT OF FUND MONEYS AND TO MAKE A TECHNICAL CORRECTION.

H 440, H 441, H 442, H 443, H 444, H 445, H 446, and H 447 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1270, S 1271, and S 1272, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1305, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 428, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

H 353 and H 381, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 419, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 420, by Local Government Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Roberts asked unanimous consent that **H 363** be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

H 361 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 361** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayne, Thomas, Vander Woude, Wills, Wood(27), Mr. Speaker.
Total -- 66.

NAYS -- None.

Absent and excused--Jaquet, Snodgrass, Trail, Wood(35).
Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 361** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 362 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 362** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08),

Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Snodgrass, Trail, Wood(35). Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 362** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 424 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 424** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Wills, Wood(27), Mr. Speaker. Total -- 66.

NAYS -- Vander Woude. Total -- 1.

Absent and excused--Snodgrass, Trail, Wood(35). Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 424** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 359 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 359** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Lake, LeFavour, Loertscher, Luker, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 51.

NAYS -- Barrett, Bayer, Bedke, Bowers, Clark, Crane, Jaquet, Kren, Labrador, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini. Total -- 16.

Absent and excused--Snodgrass, Trail, Wood(35). Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 359** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

Representative Brackett will replace Representative Crane on the Environment, Energy, and Technology Committee.

ENVIRONMENT, ENERGY, AND TECHNOLOGY (15)

Raybould, Chairman
Harwood, Vice Chairman

Snodgrass	Smith(30)
Eskridge	LeFavour
Anderson	Jaquet
Mathews	Shively
Vander Woude	
Kren	
Bowers	
Thomas	
Brackett	

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Friday, February 1, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk